

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHESTER G. JACKSON,

Defendant.

No. 2:24-cr-00038-RAJ

ORDER

THIS MATTER comes before the Court on Defendant Chester G. Jackson's Motion for Video Plea Hearing Motion (Dkt. 60). The Court having considered Defendant's motion, the Government's opposition, the files and pleadings herein, and being fully advised, hereby **DENIES** the motion.

Federal Rule of Criminal Procedure 43 states that a defendant "must be present" at a change-of-plea hearing. Fed. R. Crim. P. 43(a)(1). "Present" is read to mean physically present; videoconferencing does not suffice under the plain meaning of the Rule. *See Valenzuela-Gonzalez v. United States Dist. Court.*, 915 F.2d 1276, 1281 (9th Cir. 1990) (holding, in context of arraignment, that closed-circuit television fails to satisfy Rule 43's presence requirement, noting that "Rule 43 requires that the defendant be present at all stages of the trial, the plea and sentencing"); *see also United States v. Lawrence*, 248 F.3d 300, 304 (4th Cir. 2001) (noting that videoconferencing does not sufficiently serve all of the purposes of

1 physical presence); *United States v. Wise*, (rejecting request for plea hearing via  
2 videoconference because videoconferencing “does not satisfy the requirement of  
3 presence contained in Rule 11 and Rule 43, notwithstanding Defendant’s offer to file  
4 a written waiver of his right to be present at his change of plea hearing.”); *United*  
5 *States v. Klos*, 2013 WL 2237543, at \*4 (D. Ariz. May 20, 2013) (“In light [of] the  
6 language of Rule 43(a)(1) . . . , and the instruction of the Ninth Circuit in  
7 *[V]alenzuela-Gonzalez*, the Court concludes that it is without authority to permit  
8 Defendant to enter a felony guilty plea by way of video conferencing).

9 Accordingly, Defendant’s Motion (Dkt. 60) is **DENIED**.

10 DATED this 11th day of February, 2025.

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14 The Honorable Richard A. Jones  
15 United States District Judge  
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